

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

LARRY MORRIS

PLAINTIFF

v.

Case No. 4:16-cv-4119

JAMES SINGLETON, Sherriff  
Hempstead County; CAPTAIN  
JOHNNY GODBOLT; LIEUTENANT  
HEATH ROSS; SERGEANT MARCI  
HARDEMAN; SERGEANT KYLE  
MALONE; HEMPSTEAD COUNTY  
SHERRIFF'S DEPARTMENT;  
HEMPSTEAD COUNTY DETENTION  
FACILITY; OFFICER JOSH  
PENDERGRASS; OFFICER ALVIS  
MILLS; OFFICER MATTHEW  
TURBERVILLE; ADVANCED PRACTICE  
NURSE JOAN MCCLAIN;  
NURSE LAURIE

DEFENDANTS

**ORDER**

Before the Court is the Report and Recommendation filed December 22, 2016, by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 6). Judge Marschewski recommends that Plaintiff Larry Morris's claims<sup>1</sup> related to grievances and pending state criminal charges be dismissed with prejudice pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(i-iii) and 1915A(a) because Plaintiff failed to state cognizable claims under 42 U.S.C. § 1983. Judge Marschewski also recommends that all claims against the

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<sup>1</sup> Plaintiff's complaint asserts numerous claims, including denial of adequate medical care, excessive force, denial of access to legal materials, unsanitary prison conditions, retaliation for requesting a § 1983 complaint form, and inadequate access to and responses to grievance forms. Plaintiff also appears to challenge the validity of pending state criminal charges against him arising from an April 2016 incident while detained in the Hempstead County Detention Facility. Finally, Plaintiff requests appointment of counsel in this action.

Hempstead County Sherriff's Department and the Hempstead County Detention Facility be dismissed with prejudice because they are buildings, rather than people, and thus are not subject to suit under § 1983.

Plaintiff has not filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Therefore, the Court adopts the Report and Recommendation *in toto*. Plaintiff's claims related to grievances, pending state criminal charges, and all claims against the Hempstead County Sherriff's Department and the Hempstead County Detention Facility are **DISMISSED WITH PREJUDICE**. All other claims shall proceed.

**IT IS SO ORDERED**, this 17th day of January, 2017.

/s/ Susan O. Hickey  
Hon. Susan O. Hickey  
United States District Judge